

## Message Text

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DRAFTED BY L/OES:JRCROOK:MJR

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R 012212Z AUG 74

FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI

INFO USMISSION GENEVA

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E.O. 11652: N/A

TAGS: SENV

SUBJECT: US VIEWS ON IMPLEMENTATION OF UNGA RES ON SHARED

NATURAL RESOURCES

REF: NAIROBI 5056

1. DEPARTMENT REQUESTS FOLLOWING REPLY BE TRANSMITTED TO STRONG.
2. BEGIN TEXT. DEAR MR. STRONG: THIS IS IN REPLY TO YOUR RECENT LETTER, REQUESTING OUR VIEWS AND COMMENTS ON MEANS TO MOST EFFECTIVELY IMPLEMENT UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3129 (XXVIII), CONCERNING COOPERATION IN THE FIELD OF ENVIRONMENT CONCERNING RESOURCES SHARED BY TWO OR MORE STATES.
3. THE UNITED STATES GOVERNMENT ATTACHES GREAT IMPORTANCE TO COOPERATIVE EFFORTS TO MOST EFFECTIVELY MANAGE AND PROTECT RESOURCES WHICH WE SHARE WITH OTHER COUNTRIES. I BELIEVE THAT YOU MAY BE FAMILIAR WITH MANY IMPORTANT EXAMPLES OF SUCH COOPERATION. WE FEEL THAT OUR EXPERIENCE IL-

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LUSTRATES THE VALUE OF BILATERAL OR REGIONAL EFFORTS FOR

RESOLVING COMMON ENVIRONMENTAL PROBLEMS.

4. THE RELATIONS OF THE UNITED STATES AND CANADA, WE FEEL, MAY AFFORD A USEFUL EXAMPLE OF METHODS WHICH HAVE PROVEN EFFECTIVE IN ASSURING THE PROTECTION OF CERTAIN SHARED ENVIRONMENTAL RESOURCES AND IN THE AVOIDANCE OF INTERNATIONAL

DISPUTES. UNDER THE 1909 BOUNDARY WATERS TREATY BETWEEN THE U.S. AND CANADA, THE PARTIES AGREED THAT POLLUTION OF BOUNDARY WATERS, OR OF WATERS CROSSING THE BOUNDARY, SHOULD NOT TAKE PLACE TO THE INJURY OF HEALTH OR PROPERTY ON THE OTHER SIDE OF THE BOUNDARY. IN IMPLEMENTATION OF THIS TREATY OBLIGATION, THE PARTIES IN 1972 CONCLUDED A COMPREHENSIVE AGREEMENT RELATING TO IMPROVEMENT OF GREAT LAKES WATER QUALITY THROUGH DOMESTIC MEASURES AIMED AT ACHIEVING AGREED WATER QUALITY OBJECTIVES.

5. IN THE 1909 TREATY, THE PARTIES ALSO ESTABLISHED A PERMANENT INSTITUTION, THE INTERNATIONAL JOINT COMMISSION, WHICH WAS GIVEN JURISDICTION TO CONSIDER AND APPROVE APPLICATIONS FOR USES AND DIVERSIONS OF BOUNDARY WATERS AND OF WATERS CROSSING THE BOUNDARY, WHICH MIGHT HAVE ADVERSE EFFECTS ON THE OTHER SIDE OF THE BOUNDARY. IN THE IJC'S LONG HISTORY, A LARGE NUMBER OF SUCH APPLICATIONS HAVE BEEN CONSIDERED AND APPROVED TO THE GENERAL SATISFACTION OF AFFECTED INTERESTS ON BOTH SIDES OF THE BOUNDARY.

6. THE BOUNDARY WATERS TREATY ALSO CONFERRED UPON THE I.J.C. AUTHORITY TO RECEIVE AND REPORT UPON QUESTIONS REFERRED TO THE COMMISSION FOR STUDY. ALTHOUGH THIS POWER IS NOT NECESSARILY LINKED TO ENVIRONMENTAL QUESTIONS, OR TO QUESTIONS RELATING TO SHARED RESOURCES, IT HAS BEEN WIDELY UTILIZED IN THESE AREAS. THE REPORTS AND RECOMMENDATIONS OF THE COMMISSION PERTAINING TO ENVIRONMENTAL ISSUES, AND TO QUESTIONS RELATING TO USES OF SHARED RESOURCES, HAVE OFTEN LAID THE FOUNDATION FOR SUBSEQUENT AGREEMENTS BETWEEN THE GOVERNMENTS.

7. WE HAVE FOUND SIMILAR PROCEDURES AND MECHANISMS TO BE OF VALUE IN OUR RELATIONS WITH THE REPUBLIC OF MEXICO. THE INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES UNCLASSIFIED

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AND MEXICO, HAS BEEN FUNCTIONING SINCE 1889 AS A MECHANISM TO DECIDE QUESTIONS RELATING TO BOUNDARY WATERS, AND TO SUPERVISE THE CONSTRUCTION AND OPERATION OF WORKS REQUIRED TO IMPLEMENT AGREED STRATEGIES FOR MANAGING SHARED WATER RESOURCES.

8. IN THE CASE OF MEXICO, ALSO, I WOULD DRAW YOUR ATTENTION TO THE AGREEMENT CONCLUDED BETWEEN THE UNITED STATES

AND MEXICO ON AUGUST 30, 1973 RESOLVING A PROTRACTED DISPUTE CONCERNING THE SALINITY OF THE COLORADO RIVER.

9. WE BELIEVE THAT OUR BILATERAL EXPERIENCE REGARDING SHARED ENVIRONMENTAL RESOURCES ILLUSTRATES THE VALUE OF JOINT INSTITUTIONS AS A POSSIBLE MEANS TO ASSURE ADEQUATE AND EFFECTIVE CONSULTATION REGARDING THESE ISSUES, AND TO AFFORD A MECHANISM FOR JOINT MANAGEMENT OF SHARED ENVIRON-

MENTAL RESOURCES WHERE SUCH JOINT MANAGEMENT MAY BE APPROPRIATE.

10. I HOPE THAT THE VIEWS EXPRESSED IN THIS LETTER ARE OF ASSISTANCE TO YOU. I WILL FORWARD TO YOU SEPARATELY A NUMBER OF DOCUMENTS RELATING TO OUR EXPERIENCE REGARDING COOPERATION CONCERNING SHARED RESOURCES, INCLUDING A COPY OF THE BOUNDARY WATERS TREATY OF 1909, OF THE GREAT LAKES WATER QUALITY AGREEMENTS OF 1972, AND OF THE RECENT SALINITY AGREEMENT WITH MEXICO. SINCERELY, WILLIAM TRUEHEART, DEPUTY DIRECTOR, OFFICE OF ENVIRONMENTAL AFFAIRS, DEPARTMENT OF STATE. END OF TEXT.

11. DOCUMENTS REFERRED TO PARA 10 POUCHES. KISSINGER

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